



To the Honorable Council
City of Norfolk, Virginia

October 23, 2012

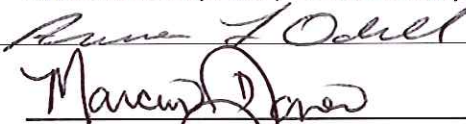
From: Frank M. Duke, AICP, Planning Director

Subject: Ordinance amending
Sections 27.6 and 27.8 of the City
Code to revise the notice
requirements for notices of violation
of tall weeds and grass and to modify
the administrative fees for violations

Reviewed: Anne F. Odell, AICP, Assistant City Manager

Ward/Superward: City-wide

Approved:



Marcus D. Jones, City Manager

Item Number:

R-22

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description**

This agenda item is an amendment to the City Code to eliminate the requirement for separate mailed notice of violations of the City Code requirements regarding tall weeds and grass after an initial violation in a single growing season and to modify the administrative fees associated with abating tall weeds and grass in an effort to create disincentives for property owners to rely on the City for maintenance of their property.

IV. **Analysis**

- The ordinance revisions eliminate the requirement for both a posted and mailed notice of violation of the City ordinance regulations the height of weeds and grass after a first notice is issued within a single growing season.
 - Currently the City requires both a mailed and a posted notice for every violation of City standards regulating tall weeds and grass.
 - The multiple notice requirements delay the City's ability to ensure that the violations are addressed.
 - The multiple notice requirements require significant staff time spent on multiple inspections before an instance of tall weeds and grass is abated.
 - No other jurisdiction in the area requires notice provisions as extensive as those in Norfolk.

- The revisions establish varying administrative fees if the City is required to abate tall weeds and grass, ranging from \$75 to \$150, based on the cost to the City of abating the nuisance.
 - The current administrative fee imposed on properties on which the City abates the nuisance of tall weeds and grass rarely exceeds \$25.
 - The current fee structure may create a reliance on the City to maintain some properties.
 - No other jurisdiction in the area applies administrative fees as low as those applied in Norfolk.

V. Financial Impact

- The proposed change in administrative fees may initially increase revenue for the City as a result of the increase in fees.
- Over time, the proposed change should reduce the cost to the City associated with maintenance of private property, which would result in a corresponding decrease in revenue associated with these fees.

VI. Environmental

- The revised notice requirements should enable Neighborhood Quality staff to perform their jobs more efficiently, improving code enforcement throughout the City.
- The revised notice requirements will reduce the period of time required to obtain compliance with City requirements regarding the height of grass on property in the City.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinance

Form and Correctness Approved:

Contents Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

By

DEPT. PLANNING

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SECTIONS 27-6 AND 27-8 OF THE NORFOLK CITY CODE, 1979, SO AS TO PROVIDE FOR ONE NOTICE OF VIOLATION AND NOTICE OF ABATEMENT PER GROWING SEASON FOR HIGH WEEDS, GRASS AND VEGETATION AND TO INCREASE THE ADMINISTRATIVE FEE FOR NUISANCE ABATEMENT TO ONE HUNDRED AND FIFTY DOLLARS.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 27-6 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 27-6. Notice of Violation.

(a) Whenever it shall come to the knowledge of the director of public health or his designee, or persons specified in Section 27-3(c), that there exists upon any land or premises in the city any nuisance, such person shall serve, post, mail or deliver a notice to any of the following to cause such nuisance to be abated from such land or premise within forty-eight (48) hours or in the time limit set forth in the notice:

- (1) The person causing or creating the nuisance;
- (2) The person allowing the nuisance to remain or continue;
- (3) The occupant of the land or premises; and/or
- (4) The owner of the land or premises.

Proof of such service, delivery, mailing or posting shall be sufficient evidence of such service of notice.

(b) Notwithstanding the above, in the event the director of public health or his designee or the person specified in Section 27-3(c) determines

that the nuisance constitutes an imminent, substantial or compelling threat to the public health or the environment, the notice requirement shall be dispensed with, and the procedure provided in City Code Section 27-10 may be utilized.

- (c) Any person issued a notice of violation pursuant to this section who shall fail to comply therewith within the time specified shall be guilty of a Class 2 misdemeanor. Any person receiving two or more notices within twelve (12) months of an initial violation notice and who fails to comply with a notice issued pursuant to this section shall be guilty of a Class 1 misdemeanor.
- (d) With respect to high weeds, grass and vegetation one written notice of violation and notice of abatement per growing season, sent by mail to the owner of property at the address listed in real estate records, shall be reasonable notice. Upon the failure to comply with such notice, the City may remove or contract for the removal of any excessive growth for the entire growing season without additional notice of violation or notice of abatement. "Growing season" shall mean the period from March 1 to October 31 of each year.

Section 2:- That Section 27-8 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 27-8. Notice of abatement by City;
 abatement by City.

- (a) If a nuisance remains upon a land or premises after the expiration of the time specified in a notice of violation, the director of public health, or his designee, may issue a notice of abatement to such person identified in the notice of violation informing said person that the director of public health or his designee will cause the nuisance to be abated at the expense of

such person in the time set by the director of health or his designee. An administrative fee shall be assessed for each abatement in the amount of Seventy Five Dollars (\$75) for amounts owed up to Three Hundred Dollars (\$300) and an administrative fee in the amount of One Hundred and Fifty (\$150) Dollars for amounts owed over Three Hundred Dollars (\$300). The expense of abatement and the administrative fee shall be chargeable against such person.

- (b) The notice of abatement may either be served, mailed or delivered to said person, or posted on the land or premises where the nuisance is located. Proof of such service, delivery, mailing or posting shall be sufficient evidence of such service of notice.
- (c) Notwithstanding the above in the event the director of health or his designee determines that the nuisance constitutes an imminent, substantial or compelling threat to the public health or to the environment the notice requirement herein shall be dispensed with.
- (d) Notwithstanding the above, the notice of violation specified in Section 27-6 and the notice of abatement specified in this section can be combined in one document and issued as provided in this article.
- (e) The expense of the abatement and the administrative fee shall constitute a lien on real property of the owner ranking in parity with liens for unpaid local taxes and shall be reported to the city treasurer who shall collect the same in the manner in which city taxes levied upon real estate are authorized to be collected.
- (f) Abatement by the city shall be exclusive of and in addition to any criminal penalty which may be imposed.

Section 3:- That this ordinance shall be in effect from and after its date of adoption.